



16 July 1973

## MEMORANDUM FOR THE RECORD

SUBJECT: Meeting with Senator Edward M. Kennedy on 13 July 1973

1. Senator Symington had informed me that he had made some of my testimony available to 'a senator' who had expressed concern about Phoenix. I said that I would be pleased to call on that senator if he wished. Senator Symington later identified the senator as Senator Kennedy, and Senator Kennedy called and invited me to come to chat with him.
2. I gave an overall outline of the Phoenix program and attempted to distinguish the program itself from its being a synonym for everything bad that happened in Vietnam. I particularly stressed that in the mid-60's a lot of reprehensible things went on and that the purpose and function of the program was to put some order into the government's side of the fight with the enemy command structure. I described the various steps taken, such as the ABC categories, time limits on legal processing, improvements in the Province Security Committee, dossiers, improvements in intelligence coverage, etc. I stressed that the purpose was to make the intelligence accurate and the proceedings proper so that public confidence could be obtained. I also said that most of the individuals killed were killed by military forces in combat situations. I described the origin of the MACV directive and its clear statement with respect to the responsibility of our people. I pointed out the Defense Department's reply to Chairman Moorhead about Mr. Osborn and his allegations. I also pointed out the problem of dealing with the independent sovereignty of the GVN, which limited our authority. I pointed out that the GVN and the Vietnamese generally considered that the Americans did not want improper activities to take place and made reference to a case in which a rubber hose was found in an interrogation center and in an embarrassed manner removed. I said that I was aware that improper actions occasionally took place but that, in general, it was clear that the Americans stood against these and that any such activities were generally carefully concealed from the Americans. I ended with showing Senator Kennedy a copy of Bob Kaiser's

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Washington Post report in February 1970, in which he criticized the program generally but said that he had not been able, despite attempts to do so, to locate assassinations and similar illegal activity. I also described for Senator Kennedy the fact that we had successfully taken up with the GVN certain cases in which improprieties had been called to my attention.

3. Senator Kennedy asked a variety of questions about the program, such as whether I remember the name of the officer who had raised a question about his possible involvement in an improper program which had stimulated my drafting the MACV directive (I did not, but will try to ascertain it). He also asked whether we had an independent inspection element, to which I replied that we did in the Pacification Studies Group, which had conducted a number of investigations into the effectiveness of our programs, including Phoenix, and that these frequently led to changes. I also said that this Group had started the [ ] to reflect popular attitudes. He asked whether any of these studies are available, and I said that they had probably originally been classified [ ]  
[ ] but that there might be a case for declassifying them now.

4. We parted on a friendly note, the Senator thanking me for coming and my indicating that I realize the serious nature of the political problem of separating the symbolic aspect of Phoenix from the actual program. The Senator indicated that he would like to be able to say that the activity was bad before I got there but that I turned it around. I said that I had certainly tried to but that I do not pretend that I fully succeeded.

WEC

W. E. Colby

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